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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,659	08/06/2001	Amy L. Sherwood	BS01-001	8201
38823	7590 04/26/2005		EXAM	INER
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP/ BELLSOUTH I.P. CORP			CLARK, ISAAC R	
	H I.P. CORP RIA PARKWAY		ART UNIT	PAPER NUMBER
<b>SUITE 1750</b>			2154	
ATLANTA,	GA 30339	DATE MAILED: 04/26/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	09/921,659	SHERWOOD, AMY L.
Office Action Summary	Examiner	Art Unit
	Isaac R. Clark	2154
The MAILING DATE of this communication	n appears on the cover sheet	with the correspondence address
Period for Reply	SEDLY IS SET TO EVOIDE 1	MONTH (C) FROM
A SHORTENED STATUTORY PERIOD FOR R THE MAILING DATE OF THIS COMMUNICATI  - Extensions of time may be available under the provisions of 37 C after SIX (6) MONTHS from the mailing date of this communicatio  - If the period for reply specified above is less than thirty (30) days,  - If NO period for reply is specified above, the maximum statutory p  - Failure to reply within the set or extended period for reply will, by Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b).	ON. FR 1.136(a). In no event, however, may a con. a reply within the statutory minimum of the ceriod will apply and will expire SIX (6) MC statute, cause the application to become	a reply be timely filed  nirty (30) days will be considered timely.  DNTHS from the mailing date of this communication  ABANDONED (35 U.S.C. § 133).
Status		
1) Responsive to communication(s) filed on	25 February 2005	
	This action is non-final.	
3) Since this application is in condition for all		atters, prosecution as to the merits is
closed in accordance with the practice un		
Disposition of Claims		
4)⊠ Claim(s) <u>1-34</u> is/are pending in the application	ation	
4a) Of the above claim(s) is/are wit		
5) Claim(s) is/are allowed.	indiani irom consideration.	
6)⊠ Claim(s) <u>1-34</u> is/are rejected.		
7) Claim(s) is/are objected to.		
8) Claim(s) are subject to restriction a	and/or election requirement.	
Application Papers		
· ·	minor	
9) ☐ The specification is objected to by the Exa 10) ☐ The drawing(s) filed on is/are: a) ☐		a by the Everiner
Applicant may not request that any objection to		
Replacement drawing sheet(s) including the or		
11) The oath or declaration is objected to by the	•	· · · · · · · · · · · · · · · · · · ·
Priority under 35 U.S.C. § 119		
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2. Certified copies of the priority docu		Application No.
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application from the International B	· ·	in received in this National Stage
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Attachment(s)	<b>4</b> 5 □ 1=4== 1	· Summanı (DTO 442)
<ol> <li>Notice of References Cited (PTO-892)</li> <li>Notice of Draftsperson's Patent Drawing Review (PTO-94)</li> </ol>	8) Paper No	v Summary (PTO-413) o(s)/Mail Date
3) Information Disclosure Statement(s) (PTO-1449 or PTO/S	SB/08) 5) U Notice of	f Informal Patent Application (PTO-152)
Paper No(s)/Mail Date	6)	·
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#### **DETAILED ACTION**

1. Claims 1-34 are presented for examination. The Applicant's amendment filed 02/25/2005 has been entered and fully considered

### **Priority**

2. The effective filing date for the subject matter in the pending claims in this application is 08/06/2001.

## Response to Amendment

- 3. The rejections to claims 20 and 21 under 35 U.S.C. 112, second paragraph cited in the previous office action are withdrawn based on the Applicant's amendment to the claims.
- 4. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

### Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 6. Claims 1, 6, 15, 16, 20, 29, and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Nielsen (US 6,108,688).
- 7. As per claim 1, Nielsen discloses a method for selectively applying a delivery notification option to an email comprising:

listing email addresses (col. 4, lines 53-55); selecting a plurality of said email addresses in the course of composing an email message (col. 5, lines 14-22); selectively applying the delivery notification option to one or more, but not all, of said plurality of email addresses (col. 4, lines 55-59); and sending the email to said plurality of email addresses (col. 5, lines 25-34).

- 8. As per claim 6, Nielsen discloses the method of claim 1, further comprising saving a configuration of delivery notification option settings that is associated with a first set of addresses (col. 5, lines 35-45).
- 9. As per claim 15. Nielsen discloses an email system for providing selective application of delivery notification options to individual addresses in a single email, comprising:

means for listing email addresses (col. 4, lines 53-55);

means for selecting a plurality of said email addresses in the course of composing an email message (col. 5, lines 14-22);

means for selectively applying the delivery notification option to one or more, but not all, of said plurality of email addresses (col. 4, lines 55-59); and means for sending the email to said plurality of email addresses (col. 5, lines 25-34).

- 10. As per claim 16, Nielsen discloses the system of claim 15, further comprising means for listing email addresses on a computer screen (Fig. 2; col. 4, lines 53-54).
- 11. As per claim 20, Nielsen discloses the system of claim 15, further comprising saving a configuration of delivery notification option settings that is associated with a first set of addresses (col. 5, lines 35-45).

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12. As per claim 29, Nielsen discloses an email system for selectively applying delivery notification options to an email having a plurality of addressees (col. 5, lines 24-34), comprising: an email client operable to display an address list and to select addressees for an email (Fig. 2; col. 4, lines 53-55); and an email server in communication with the email client and connected to a network (col. 5, lines 19-23), wherein at least one of the email client and the email server is operable to selectively apply a delivery notification option to one or more, but not all, of the addressees (col. 4, lines 55-59).

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13. As per claim 32, Nielsen discloses the email system of claim 29, wherein one of the email client and email server saves a configuration of delivery notification option settings that is associated with a first set of addressees (col. 5, lines 35-45).

## Claim Rejections - 35 USC § 103

- 14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 15. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen (US 6,108,688) as applied to claim 1 above in view of Gupta (US Published Application 2002/0194341), Collins et al. (US Published Application 2002/0013817) hereinafter Collins and Johnson et al. (US 5,832,220, "Johnson").
- 16. As per claim 2, Nielsen teaches the method of claim 1 further comprising selectively applying a delivery notification option to one or more but not all of said

plurality of email addresses (col. 4, lines 55-59); and saving a configuration of delivery notification option settings that is associated with a first set of addresses (col. 5, lines 35-45). Nielson teaches displaying a delivery notification options selection window with a plurality of email addressees (Fig. 2).

- 17. Nielsen does not explicitly teach displaying an address book with the listed email addresses; setting a flag indicating that more than one address has been chosen; displaying an email delivery notification options selection window if said flag is set wherein the email delivery notification options selection window permits selective application of at least one of delivery confirmation and return receipt; selectively applying more than one delivery notification option to one or more but not all of said plurality of email addresses; matching a second set of addresses with the first set of addresses and automatically setting delivery notification options saved with respect to the first set of addresses; selecting the delivery notification option from the options of delivery confirmation and return receipt; and sending a separate email to each address of said plurality of addresses.
- 18. Gupta teaches displaying an address book with the listed email addresses ((Fig. 5; Paragraph 0042); setting a flag indicating that more than one address has been chosen (Fig. 10, block 1030); displaying an email delivery options selection window if said flag is set wherein the selection window permits selective application of at least one of delivery option (Fig. 5, window for selection options; Paragraph 0049, opportunity to review each version may be presented if multiple addressees are given).

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19. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Gupta and Nielsen because they both with selective application of options to a plurality of email messages. Furthermore, the teaching of modify the apparatus taught by Nielsen to include an address book and an option window for applying options to a plurality of email addresses would increase the usability of the system by providing a ready list of email addresses so that the addresses do not have to be manually entered and selectively providing a GUI window when more than one address is present allowing the efficient, selective application of options.

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- 20. Collins teaches a system for sending emails to a group of recipients wherein a separate copy of the email is generated and sent to each designated recipient (Paragraph 0012).
- 21. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Nielsen and Collins to send separate emails with selected delivery notification option set to for each email addressee because they both deal with sending emails to multiple addressees. Furthermore, the teaching of Collins would allow provide enhanced privacy for the recipients by not transmitting their addresses to the other recipients of the email (Collins paragraph 0013).
- 22. Johnson teaches a means for selectively applying more than one delivery notification option to a plurality of email addresses (col. 1, lines 34-40; col. 2, lines 35-

- 40), where the option is selected from is selected from delivery confirmation and return receipt (col. 1, lines 34-40; col. 2, lines 35-43; col. 4, lines 15-18, and lines 24-32).
- 23. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Nielsen and Johnson because they both deal with setting delivery notification options for a plurality email addresses.

  Furthermore, the teaching Johnson of selectively apply more than one notification option to some of a plurality of email addresses allows tailoring the level of acknowledgement to the content of the email thus allowing the recipient to choose the most effective response based on the content of the email and the type of response supported by the recipient's system (See Johnson, col. 2, lines 20-34).
- 24. Claims 3, 17, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen (US 6,108,688) as applied to claims 1, 15, and 29 above, in view of Shaw et al. (US Patent 6,247,045) hereinafter Shaw.
- 25. As per claim 17 and 30, Nielsen fails to explicitly teach sending a separate email for a group of addresses that have the same delivery notification option configuration.
- 26. Shaw teaches sending a separate email for groups of addresses that are receiving identical messages (col. 7, lines 1-30).
- 27. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Nielsen and Shaw to send a separate email for each group of addressed receiving the same delivery notification option configuration because they both deal with sending emails to groups of recipients.

  Furthermore, the teaching of Shaw to generate a single email message for all

addresses receiving the same content would allow conserve bandwidth and server resources on the sender's system while still allowing sending messages with or without delivery notification options.

- 28. As per claim 3, claim 3 describes the method carried out by the apparatus of claim 17. Claim 3 is rejected for the same reasons as claim 17.
- Claims 4, 18, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable 29. over Nielsen (US 6,108,688) as applied to claims 1, 15, and 29 in view of Collins et al. (US Published Application 2002/0013817) hereinafter Collins.
- 30. As per claims 18 and 31, Nielsen fails to explicitly further teach a means for sending a separate email to each address of said plurality of addresses.
- 31. Collins teaches a system for sending emails to a group of recipients wherein a separate copy of the email is generated and sent to each designated recipient (Paragraph 0012).
- 32. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Nielsen and Collins to send separate emails with selected delivery notification option set to for each email addressee because they both deal with sending emails to multiple addressees. Furthermore, the teaching of Collins would allow provide enhanced privacy for the recipients by not transmitting their addresses to the other recipients of the email (Collins paragraph 0013).
- 33. As per claim 4, claim 4 describes the method carried out by the apparatus of claim 18. Claim 4 is rejected for the same reasons as claim 18.

- 34. Claims 7, 21, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen (US 6,108,688) as applied to claims 6, 20, and 33 above, and further in view of Gupta (US Published Application 2002/0194341).
- 35. As per claims 21 and 33, Nielsen fails to explicitly teach further comprising means for matching a second set of addresses with the first set of addresses and automatically setting delivery options saved with respect to the first set of addresses.
- 36. Gupta teaches matching a second set of addresses with the saved options and automatically setting delivery options based on the saved options (Gupta, Paragraphs 0067-0068).
- 37. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Nielsen and Gupta to save the configuration of delivery options associated with a first set of addresses and to use the saved configuration to set delivery options on a second set of addresses because they both deal with sending email messages to groups of addressees. Furthermore, the teaching of Gupta to set delivery options based on a saved configuration would allow automatically configuring options for a set of email addresses thus saving time and labor for users (Gupta, Paragraph 0069).
- 38. As per claim 7, claim 7 recites the method carried out by the apparatus described in claim 21. Claim 7 is rejected for the same reasons given for claim 21 above.
- 39. Claims 5, 8, 19, 22, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen (US 6,108,688) as applied to claims 1, 15 and 29 above, and further in view Johnson et al. (US 5,832,220, "Johnson").

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40. As per claim 19, Nielsen teaches applying a delivery notification option to one or more but not all of a plurality of email addresses (col. 4, lines 55-59), but fails to explicitly teach means for selectively applying more than one delivery notification option to one or more, but not all, of said plurality of email addresses.

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- Johnson teaches a means for selectively applying more than one delivery notification option to a plurality of email addresses (col. 1, lines 34-40; col. 2, lines 35-40).
- 42. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Nielsen and Johnson because they both deal with setting delivery notification options for a plurality email addresses.

  Furthermore, the teaching Johnson of selectively apply more than one notification option to some of a plurality of email addresses allows tailoring the level of acknowledgement to the content of the email thus allowing the recipient to choose the most effective response based on the content of the email (See Johnson, col. 2, lines 20-34).
- 43. As per claim 5, claim 5 describes the method carried out by the apparatus of claim 19. Claim 5 is rejected for the same reasons as claim 19.
- 44. As per claims 22 and 34, Nielsen fails to explicitly further teach wherein the delivery notification option is selected from delivery confirmation and return receipt.
- 45. Johnson teaches that the delivery notification option is selected from delivery confirmation and return receipt (col. 1, lines 34-40; col. 2, lines 35-43; col. 4, lines 15-18, and lines 24-32).

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46. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Nielsen and Johnson because they both deal with setting delivery notification options for a plurality email addresses.

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Furthermore, the teaching Johnson of selectively apply more than one notification option to some of a plurality of email addresses allows tailoring the level of acknowledgement to the content of the email thus allowing the recipient to choose the most effective response based on the content of the email and the type of response supported by the recipient's system (See Johnson, col. 2, lines 20-34).

- 47. As per claim 8, claim 8 recites the method carried out by the apparatus described in claim 22. Claim 8 is rejected for the same reasons given for claim 22 above.
- 48. Claims 9, 13, 14, 23, 27, and 28 are ejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen (US 6,108,688) in view of Gupta (US Published Application 2002/0194341).
- 49. As per claim 23, Nielsen teaches a system for selectively applying a delivery notification option to addressees in an email, comprising: means for selectively applying delivery notification options to each of the addressees (col. 4, lines 53-65); and means for sending the email (col. 5, lines 21-27).
- Nielsen does not explicitly teach a means for displaying an address book; means for choosing addressees from the address book; means for setting a flag indicating that more than one addressee has been chosen; and a means for displaying an email delivery notification options selection window if said flag is set.

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Gupta teaches a means for displaying an address book and means for choosing addressees from the address book (Fig. 5; Paragraph 0042); means for setting a flag indicating that more than one addressee has been chosen (Fig. 10, block 1030); and a means for displaying an email delivery options selection window if said flag is set (Fig. 5, window for selection options; Paragraph 0049, opportunity to review each version may be presented if multiple addressees are given).

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- 52. Gupta teaches displaying an address book with the listed email addresses (Fig. 5; Paragraph 0042); setting a flag indicating that more than one address has been chosen (Fig. 10, block 1030); displaying an email delivery options selection window if said flag is set wherein the selection window permits selective application of at least one of delivery option (Fig. 5, window for selection options; Paragraph 0049, opportunity to review each version may be presented if multiple addressees are given).
- 53. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Gupta and Nielsen because they both deal with selective application of options to a plurality of email messages. Furthermore, the teaching of modify the apparatus taught by Nielsen to include an address book and an option window for applying delivery notification options to a plurality of email addresses would increase the usability of the system by providing a ready list of email addresses so that the addresses do not have to be manually entered and selectively providing a GUI window when more than one address is present allowing the efficient selective application of options.

- As per claim 27, Nielsen teaches the system of claim 23, further comprising means for saving a configuration of delivery notification option settings that is associated with a first set of addressees (col. 5, lines 35-45).
- As per claim 28, Nielsen does not explicitly teach further comprising means for matching a second set of addressees with the first set of addresses and automatically setting delivery notification options saved with respect to the first set of addressees.
- 56. Gupta teaches matching a second set of addressees with the first set of addresses and automatically setting delivery options saved with respect to the first set of addressees (Paragraphs 0067-0068).
- 57. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Gupta and Nielsen because they both deal with selective application of options to a plurality of email messages. Furthermore, the teaching of to save the options applied to a first set of addresses and to retrieve and apply those options to a second set of addresses allow automatically configuring options for a set of email addresses thus saving time and labor for users and eliminating errors from failing to apply the options (Gupta, Paragraph 0069; Nielsen col. 1, lines 45-51).
- 58. As per claim 9; claim 9 describes the method carried out by the apparatus of claim 23. Claim 9 is rejected for the same reasons as claim 23.
- 59. As per claims 13 and 14, claims 13 and 14 claim the method carried out by the apparatus described in claims 27 and 28 respectively. Claims 13 and 14 are rejected for the same reasons as claims 28 and 27.

- 60. Claims 10 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen and Gupta as applied to claims 9 and 23 above, and further in view of further in view Johnson et al. (US 5,832,220, "Johnson").
- As per claim 24, Nielsen does not further teach wherein the email delivery notification options selection window permits selective application of at least one of delivery confirmation and return receipt.
- 62. Johnson teaches the selective application of at least one of delivery confirmation or return receipt (col. 1, lines 34-40; col. 2, lines 35-40), where the option is selected from is selected from delivery confirmation and return receipt (col. 1, lines 34-40; col. 2, lines 35-43; col. 4, lines 15-18, and lines 24-32).
- 63. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Nielsen and Johnson because they both deal with setting delivery notification options for a plurality email addresses.

  Furthermore, the teaching Johnson of selectively apply more than one notification option to some of a plurality of email addresses allows tailoring the level of acknowledgement to the content of the email thus allowing the recipient to choose the most effective response based on the content of the email and the type of response supported by the recipient's system (See Johnson, col. 2, lines 20-34).
- 64. As per claim 10, claim 10 describes the method carried out by the apparatus of claim 24. Claim 10 is rejected for the same reasons as claim 24.

- 65. Claims 11 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen and Gupta as applied to claims 9 and 23 above, and further in view of Shaw et al. (US Patent 6,247,045) hereinafter Shaw.
- As per claim 25, Gupta fails to explicitly teach the system of claim 23, further comprising means for sending a separate email for a group of addresses that have the same delivery option configuration.
- 67. Shaw teaches sending a separate email for groups of addresses that are receiving identical messages (col. 7, lines 1-30).
- 68. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Nielsen and Shaw to send a separate email for each group of addressed receiving the same delivery notification option configuration because they both deal with sending emails to groups of recipients. Furthermore, the teaching of Shaw to generate a single email message for all addresses receiving the same content would allow conserve bandwidth and server resources on the sender's system while still allowing sending messages with a variety of delivery options.
- 69. As per claim 11, claim 11 describes the method carried out by the apparatus of claim 25. Claim 11 is rejected for the same reasons as claim 25.
- 70. Claims 12 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen and Gupta as applied to claims 9 and 23 above, and further in view of Collins et al. (US Published Application 2002/0013817) hereinafter Collins.

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71. As per claim 26, Gupta fails to teach the system of claim 23, further comprising means for sending a separate email to each address of said plurality of addresses.

- 72. Collins teaches a system for sending emails to a group of recipients wherein a separate copy of the email is generated and sent to each designated recipient (Paragraph 0012).
- 73. It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Nielsen and Collins to send separate emails with selected delivery notification options set for each email addressee because they both deal with sending emails to multiple addressees. Furthermore, the teaching of Collins would allow provide enhanced privacy for the recipients by not transmitting their addresses to the other recipients of the email (Collins paragraph 0013).
- 74. As per claim 12, claim 12 describes the method carried out by the apparatus of claim 26. Claim 12 is rejected for the same reasons as claim 26.

#### Conclusion

- 75. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "System and method for selective application of email delivery options".
  - i. US 2002/0046250 A1 Nassiri Email receipt confirmation system
- 76. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

LABRY D. DONAGHUE
PRIMARY EXAMPLE

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac R Clark whose telephone number is (571)272-

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3961. The examiner can normally be reached on Monday-Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (571)272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).